

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

SHAUN MICHAEL BOSSE,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-18-204-JD
)	Capital Case
CHRISTE QUICK, Warden)	
Oklahoma State Penitentiary,)	
)	
Respondent.)	

PETITIONER'S NOTICE OF CONSTITUTIONAL QUESTION

Petitioner Shaun Michael Bosse, in his *Supplemental Reply to Response to Petition for Writ of Habeas Corpus* (Doc. 70), challenges the constitutionality of deference under the Antiterrorism and Effective Death Penalty Act of 1996. Federal Rule of Civil Procedure 5.1(a) requires that a party give notice when challenging a federal statute on constitutional grounds where, as here, a federal agency, the United States, or one of its officers or employees in an official capacity, is not a party to the action.

Mr. Bosse hereby files this Notice of Constitutional Question. The question, as raised in the *Supplemental Reply*, filed on May 7, 2025, is as follows:

Whether the Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), requires finding that 28 U.S.C. § 2254(d), as interpreted by *Williams v. Taylor*, 529 U.S. 362 (2000), violates Article III and the Supremacy Clause. Petitioner contends that deferring to state court decisions pursuant to § 2254(d) violates Article III and the Supremacy Clause.

Respectfully submitted,

s/ Hunter Labovitz

Hunter Labovitz, NJ Bar No. 010942006
Katrina Conrad-Legler, OBA #16953
Assistant Federal Public Defenders
Office of the Federal Public Defender
Western District of Oklahoma
Capital Habeas Unit
215 Dean A. McGee, Suite 707
Oklahoma City, OK 73102
Telephone: (405) 609-5975
Hunter_labovitz@fd.org
Katrina_legler@fd.org

COUNSEL FOR PETITIONER,
SHAUN MICHAEL BOSSE

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May 2025, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system for filing and Notices of Electronic Filing are transmitted to all counsel of record who are registered participants.

Additionally, I hereby certify that on this 7th day of May 2025, pursuant to Federal Rule of Civil Procedure 5.1(a), I served a copy of the *Supplemental Reply to Response to Petition for Writ of Habeas Corpus* (Doc. 70), and this Notice of Constitutional Question on the Attorney General of the United States by certified mail on this date at the following address:

Attorney General of the United States
United States Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

s/ Hunter Labovitz
Hunter Labovitz